July 12, 2001

Honorable F. James Sensenbrenner
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Sensenbrenner:

I am writing you with regard to H.R. 7, the charitable choice legislation reported by the Committee today. I have two concerns I wish to bring to your attention.

First, all of this week, a storm of controversy has surrounded the bill because accounts in the *Washington Post* indicate there may have been a *quid pro quo* discussed between representatives of the White House and the Salvation Army, by which the White House was to have issued a ruling weakening state and local civil rights laws and the Salvation Army was to use its resources and clout to lobby for enaction of H.R. 7. After initially denying there was any senior level staff involvement in this matter, it then was reported that the President's most senior political adviser, Karl Rove, was directly involved in the discussions with the Salvation Army.

As you know, I have asked both Dr. John J. DiIulio, Jr., the Director, White House Office of Faith Based and Community Initiatives, as well as Mr. Rove for information regarding the alleged *quid pro quo* discussions. As of yet, I have not received even the courtesy of an acknowledgment of my letters from the White House, let alone any sort of response. Given the seriousness of these allegations, I believe it would be inappropriate for the House to consider this legislation until all of the circumstances and details regarding this matter have been provided to the Committee. In my judgment it is no response for the White House to state they will not comply with the Salvation Army's request. We need to know how such a request even came to be considered and what other promises may have been made or considered by the Administration or others.

Second, after reviewing in detail the manager's amendment you offered at our Committee markup, it has come to my attention that a provision was slipped in at the last minute granting agencies the discretion to take any or all of the funds in programs covered by the legislation *(e.g.*, for housing,

hunger relief and the like) and convert it into an indirect aid program by which beneficiaries could provide "vouchers" to the religious organization, which could in turn receive federal funds. Further, under the manager's amendment, such "voucherized" programs would be exempt from the requirement that the religious organization not discriminate against beneficiaries on religious grounds as well as the requirement that any sectarian instruction, worship, or proselytization be "voluntary" and "offered separate" from the government funded program.

These are very important changes which would fundamentally alter the nature of social services and our nation's long heritage of separation between church and state. At a minimum they should be removed from the bill so they can be separately debated on the floor before they are adopted.

As you know, we only received the manager's amendment, which contained the new voucher, less than 24 hours before the markup. This critical provision was not referenced in the bill, accompanying materials or markup notice, nor did you even make cursory mention of it in your explanatory statement. All of this, even though this voucher provision represents a sweeping and controversial change to federal law. The normal course of practice would be to alert the general membership that such a provision was being obliquely inserted in the eleventh hour substitute. I would also note that no comparable provision has been included in any prior version of charitable choice legislation.

The implications of the changes made in the manager's amendment with regard to vouchers are quite sweeping. It would grant the Administration the ability to unilaterally convert more than $47 billion in social service programs into vouchers. Because the manager's amendment permits religious organizations participating in these "voucherized" programs to discriminate against beneficiaries on account of their religion so long as they do not deny admission based on religion, this means that religious groups could use their social service programs in an effort to convert non-believers to their faith. Equally objectionable is the fact that such proselytization could occur with federal funds provided under the bill. This is because the bill's prohibitions on sectarian instruction, worship, or proselytization with federal funds and the requirement that any religious activity be "voluntary" and "offered separate" only apply with programs receiving direct federal funds, not indirect aid.

Mr. Chairman, you have been a strong champion of full and fair process in your short but successful tenure at the head of our Committee. I am therefore hopeful you will join with me in insuring that House consideration of H.R. 7 is not tainted, and that we clear up the controversy regarding the Salvation Army, and remove the voucher provisions from the bill added at the last moment without discussion before the House takes the measure up.

Sincerely,

John Conyers, Jr.
Ranking Member